IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.1011 OF 2005

Mahendra Ramkrishna Salunkhe ..Petitioner.

Vs.

Maitri Park Co-op. Hsg.
Society Ltd. ..Respondent.

...

Mr.A.S.Desai for the petitioner.

CORAM : DR.D.Y.CHANDRACHUD, J.

25th April, 2005.

P.C. :

No interference under Article 226 is warranted in respect of the concurrent findings of the Co-operative Court and the Appellate Court at the interim stage. The main dispute is still pending. A residential flat is sought to be converted into a 'clinic for skin and hair treatment'. The members of the society had a serious objection and it is common ground that the Petitioner had furnished an undertaking that no

business would be commenced without the permission of the society and the Municipal Corporation. At this stage, it would not be proper for this Court to enter upon a detailed discussion on the merits of the case since the dispute is pending before the Co-operative Court. The interim orders of the Courts below do not suffer from any perversity so as to warrant interference at the present stage. However, while dismissing the Petition it is clarified that the observations contained in the orders passed by both the Courts below are only confined to a prima facie evaluation at the interlocutory stage and the main dispute shall be disposed of uninfluenced by these observations. The hearing of the dispute is expedited. The Co-operative Court may endeavour to dispose of the dispute expeditiously subject to the exigencies of the work.